IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.CJ.

APPEAL NO. 985 OF 2001
IN
NOTICE OF MOTION NO.2850 OF 1999
IN
SUIT NO.5041 OF 1999

Dr.Jitendra Ratilal Parikh .. Appellant
v/s.
Devendra Ratilal Parikh
since deceased
1(a) Mrs.Leelavati Devendar Parikh and others .. Respondents

Mr.B.B.Parekh for the Appellant.

Mr.Jawahar Thakkar with Mr.Jaideep Thakar for the respondent Nos.1 and 1(a).

Mr.A.S.Karwande for the respondent Nos.1(d),2 and 3.

CORAM : R.M.LODHA &
S.A.BOBDE, JJ.

DATED : 21ST AUGUST, 2006.

P.C.

Mr.B.B.Parikh, counsel for the appellant prays for withdrawal of the appeal. He, however, submits that the dispute in the suit is between the brothers and it would be better if hearing of the suit is expedited.

2. The suit is already pending before this court for more than seven years and in view of the fact that the dispute is between the brothers, we are satisfied that the suit deserves to be heard expeditiously.

3. We, accordingly, permit the appellant to apply to the learned trial Judge for fixing the calendar of hearing of the suit. We observe that if such an application is made, the learned trial Judge may consider fixing the calendar in the manner that suit is heard and disposed of by 31st July, 2007. Order accordingly.

(R.M.LODHA, J.)

(S.A.BOBDE, J.)